

GAHC010217922024



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : MACApp./553/2024

UNITED INDIA INSURANCE COMPANY LIMITED
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT 24, WHITES
ROAD, CHENNAI-600014 AND ITS REGIONAL OFFICE AT CHIBBAR HOUSE,
1ST FLOOR, G.S. ROAD, NEAR DISPUR POST OFFICE, GUWAHATI,
KAMRUP(M), PIN-781005 REPRESENTED BY THE REGIONAL MANAGER,
GUWAHATI REGIONAL OFFICE.

VERSUS

MAHINA BEGUM AND 9 ORS.
1ST WIFE OF LATE ALI HUSSAIN.

2:MOHIBUL ISLAM
S/O. OF LATE ALI HUSSAIN.

3:MIZANUR RAHMAN
1ST WIFE OF LATE ALI HUSSAIN.

4:TABIA KHATUN
2ND WIFE OF LATE ALI HUSSAIN.

5:TOFIQUL RAHMAN
S/O. OF LATE ALI HUSSAIN.

6:ARMINA BEGUM
D/O. OF LATE ALI HUSSAIN.

7:AKLIMA KHATOON
3RD WIFE OF LATE ALI HUSSAIN.

8:AKTAR HUSSAIN
S/O. OF LATE ALI HUSSAIN.

ALL ARE RESIDENT OF-
SHUKLARATARI
P/S. BILASHIPARA
PIN-783348
ASSAM.

9:UMED CHAND DHARIWAL
S/O. LATE PUNAM CHAND DHARIWAL
R/O. WARD NO. 11
NEAR IDDGAR FIELD
P/S. DHUBRI
DIST.- DHUBRI
ASSAM
PIN-783323

10:AZAHAR ALI
S/O. SHAHJAHAN ALI
R/O. NOWGHAT
P/S. DHUBRI
DIST.- DHUBRI
ASSAM
PIN-783323

Advocate for the Petitioner : MR T KALITA,

Advocate for the Respondent : MR. A BHATTACHARYYA (R-1,2,3,4,5), MR. S SINGH(R-1,2,3,4,5)

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

14.12.2024

(K.R. Surana, J)

Mr. Moakumzuk, Manager of United India Insurance Co. Ltd. along with Mr. T. Kalita, learned counsel of Insurance is present. Also present respondent nos. 1) Mahina Begum 2) Mohibul Islam 3) Mizanur Rahman 4) Tabia Khatun and 5) Tofiqul Rahman are present.

2. It is submitted that after the award was passed by the learned Tribunal, Armina Begum, daughter of late Ali Hussain has expired on 21.07.2024 and accordingly, her death certificate is submitted which is made a part of the record.
3. It is submitted that the learned Member, Motor Accident Claims Tribunal No.3, Kamrup(M), in MAC Case No.1898/2024 had taken note of the fact that the respondent no.7, namely, Aklima Khatoon, her third wife of late Mr. Ali Hussain has allegedly eloped and whereabouts are not known. And accordingly, no award was passed in favour of respondent no.7. However, a share was provided for Aktar Hussain, her son with late Mr. Ali Hussain, who is the respondent no.8. It is also submitted that respondent no.8 i.e. Aktar Hussain is a minor aged about 13 (thirteen) years now.
4. Both sides have agreed that the total claims of the respondent nos.1, to 5 and 8, who represent respondent nos.6 and 7 is settled at Rs.22,30,000/- (Rupees twenty two lakh thirty thousand only) as full and final settlement of all the claims.
5. Accordingly, the matter is settled on compromise in terms of the pre-settlement/compromise slip for the National Lok Adalat, which is made as a part of record.
6. Both the parties shall put their signature in the pre-settlement compromise slip as token of acceptance for the settlement.
7. Accordingly, the appellant i.e. United India Insurance Co. Ltd. shall deposit the said settlement amount of Rs.22,30,000/- (Rupees twenty two lakh thirty thousand only) in favour of the respondents/claimants before the Registry of

the Court within 30 (thirty) days from the date of the settlement order, failing which the amount shall carry interest @ 9% per annum till the date of deposit.

8. On such deposit being made, the Registry of the Court shall convert a sum of Rs.5,00,000/- (Rupees five lakh only) in a fixed deposit account of any Nationalized Bank for 3 (three) years in favour of Akhtar Hussain, respondent no.8 till he attains majority, with the name of respondent no.1 listed as his guardian. The balance amount of Rs.17,30,000/- (Rupees seventeen lakh thirty thousand only) shall be divide equally between respondent nos.1 to 5 on satisfaction of their identities.
9. On furnishing proof of the deposit of the entire settlement amount, the Registry shall release the statutory deposit made by the appellant.
10. The matter is disposed of in this Lok Adalat.

JUDGE

Comparing Assistant